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NO.

IN THE

Supreme Court, U.S.

FILED

JUN 3 1987

JOSEPH F. SPANOL, JR.  
CLERK

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1986

CLARENCE H. HOLDING , PETITIONER ,

v.

SOVRAN BANK NA , C. COLEMAN MCGEHEE , DONALD E. KOONCE , ESTATE OF LILLIAN J. MUSE , MUTUAL FINANCE CORP., MCGUIRE WOODS BATTLE, THOMAS S. WORD , JR., SCOTT S CAIRNS , BROWDER MORRIS RUSSEL BUTCHER , JOHN B. BROWDER, PAUL G, SAUNDERS II, RESPONDANTS.

FOR WRIT OF CERTIORARI TO U.S.  
SUPREME COURT FROM VIRGINIA SUPREME  
COURT

*Clarence H. Holding*

CLARENCE H. HOLDING  
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COUNSEL FOR PETITIONER

COUNSEL OF RECORD

1987

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY  
AT THE TIME OF FILMING. IF AND WHEN A  
BETTER COPY CAN BE OBTAINED, A NEW FICHE  
WILL BE ISSUED.

## QUESTIONS PRESENTED

1.

DOES DEPRIVING A PERSON OF PROPERTY WITHOUT DUE PROCESS VIOLATE THE 14<sup>th</sup> AMENDMENT TO THE U.S. CONSTITUTION THEREBY VIOLATING HIS CONSTITUTIONAL RIGHTS GUARANTEED BY SAME-DUE PROCESS ALSO THE FIFTH AMENDMENT - DUE PROCESS GUARANTEED THEREBY ?

2. WHERE THE VALUE OF THE CONTROVERSY EXCEEDS TWENTY DOLLARS, DOES DENYING A PERSON A RIGHT OF TRIAL BY JURY VIOLATE VIOLATE HIS CONSTITUTIONAL RIGHTS GUARANTEED BY THE SEVENTH AMENDMENT TO THE U.S. CONSTITUTION ?

3. DOES DENIAL OF A TRIAL BY AN IMPARTIAL JURY AND TO HAVE COMPULSORY PROCESS FOR OBTAINING WITNESSES IN HIS FAVOR VIOLATE THE PERSON'S CONSTITUTIONAL RIGHTS GUARANTEED BY THE 6<sup>th</sup> AMENDMENT TO THE U.S. CONSTITUTION.

## PARTIES TO THE PROCEEDINGS

CLARENCE H. HOLDING , PETITIONER IN THIS COURT , PETITIONER IN VA. SUPREME COURT, PLAINTIFF IN THE TRIAL COURT .

SOVRAN BANK NA , C. COLEMAN McGEHEE, DONALD E. KOONCE, ESTATE OF LILLIAN J. MUSE, MUTUAL FINANCE CORP., MCGUIRE WOODS BATTLE , THOMAS S. WORD, JR. , SCOTT S CAIRNS , BROWDER RUSSELL MORRIS BUTCHER, PAUL G. SAUNDERS , JR. RESPONDANT IN THIS CT. , RESPONDANT IN VA. SUPREME COURT , DEFENDANT IN TRIAL COURT .

REFERENCE TO OPINIONS DELIVERED BELOW .

TRIAL COURT DISMISSED WITHOUT TRIAL 9/3/8

SUPREME COURT OF VA. PETITION DENIED DISMISS 2/3/87. REHEARING DENIED 3/6/87



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### UNITED STATES CONSTITUTION

DUE PROCESS , 14th AMENDMENT U.S. CONSTITUTION - NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE , LIBERTY , OR PROPERTY WITHOUT DUE PROCESS OF LAW.FIFTH AMENDMENT DUE PROCESS.

SEVENTH AMENDMENT- WHERE THE VALUE OF THE CONTROVERSY EXCEEDS TWENTY DOLLARS PERSON HAS RIGHT OF TRIAL BY JURY .

SIXTH AMENDMENT - RIGHT OF A TRIAL BY AN IMPARTIAL JURY AND TO HAVE COMPULSORY PROCESS FOR OBTAINING WITNESSES IN HIS BEHALF AND FAVOR .

### CONSTITUTIONAL PROVISIONS

14th AMENDMENT DUE PROCESS

5th AMENDMENT DUE PROCESS

7th AMENDMENT \$20 OVER RIGHT OF TRIAL BY JURY

6th AMENDMENT RIGHT OF TRIAL BY IMPARTIAL JURY

### JURISDICTION OF THIS COURT

GROUPS ON WHICH THE JURISDICTION OF THIS COURT IS: RULE 17.1(b), (c) WHEN A STATE COURT OR FEDERAL COURT OF APPEALS HAS DECIDED AN IMPORTANT QUESTION OF LAW WHICH HAS NOT BEEN , BUT SHOULD BE BY THIS COURT, OR HAS DECIDED A FEDERAL QUESTION IN A WAY IN CONFLICT WITH THE APPLICABLE DECISIONS OF THIS COURT.

THESE ARE VERY IMPORTANT QUESTIONS INDEED AND SHOULD BE DECIDED BY THIS COURT .



NO.

IN THE

SUPREME COURT OF THE UNITED STATES

CLARENCE H. HOLDING , PETITIONER,

v.

SOVRAN BANK NA, C. COLEMAN MCGHEE, DONALD E. KOONCE , ESTATE OF LILLIAN J. MUSE , MUTUAL FINANCE CORP, MCGUIRE WOODS BATTLE, THOMAS S. WORD, JR. , SCOTT S. CAIRNS , BROWDER, RUSSELL MORRIS BUTCHER , JOHN B. BROWDER, PAUL G. SAUNDERS, II, DEFENDANTS.

BRIEF FOR WRIT OF CERTIORARI

TO THE SUPREME COURT OF U.S.

A PRELIMINARY STATEMENT

YOUR PETITIONER , CLARENCE H. HOLDING, HAS BEEN AGRIEVED , DAMAGED, IRREPARABLY PERMANENTLY INJURED, MENTAL SUFFERINGS, AND RENDERED PERMANENTLY DISABLE BY ACTS OF THE DEFENDANTS ILLEGALLY AND WRONGLY SELLING THE PETITIONER, S , CLARENCE H. HOLDING HOME AND 45 ACRES IN WESTMORELAND COUNTY . JUDGE FOSTER OF WESTMORELAND CIRCUIT COURT VIOLATED THE CONSTITUTIONAL RIGHTS OF THE PETITIONER BY WRONGLY RUBBER STAMPING AN ORDER MANUFACTURED BY THE DEFENDANTS COUNSEL DISMISSING THE SUIT



FOR DAMAGES OF THE PETITIONER WITHOUT A TRIAL AND TO PRESENT HIS CASE OF GRIEVANCES AND INJURIES AND HAVE WITNESSES OF HIS OWN CHOOSING IN HIS DEFENSE AND TO PROSCUTE HIS CAUSE IN OPEN COURT WITH A JURY . THESE GRIEVANCES AS SET FORTH HAVE VIOLATED THE DUE PROCESS CONSTITUTIONAL RIGHTS GUARANTEED BY THE U.S. CONSTITUTION 14<sup>th</sup> AMENDMENT , 5<sup>th</sup> AMENDMENT , 7<sup>th</sup> AMENDMENT , 6<sup>th</sup> AMENDMENT THERETO . THE DECISIONS OF THE CIRCUIT COURT, SUPREME COURT AND REHEARING SHOULD BE REVERSED AND FIND FOR THE PETITIONER BECAUSE OF GRIEVANCES , DAMAGES , IRREPARABLE INJURIES RENDERED BY THE DEFENDANTS UPON THE PETITIONER WHICH WERE INHUMANE, UTTER DISREGARD FOR THE RIGHTS, STEALING AN OTHER PERSONS PROPERTY AND INFILCTING IRREPARABLE INJURIES UNCONSCIONABLE ACTS AND BRAZING ABOUT THEIR ILLEGAL ACTS . RUN RUFF SHOD OVER OTHER PEOPLE BY THE BANK, DONALD E. KOONCE , MCGUIRE WOODS BATTLE AND ALL RESPONDANTS.

#### STATEMENT OF CASE

CLARENCE H. HOLDING PAID OFF HIS DEED OF TRUST AND NOTE FROM MUTUAL FINANCE CORP., TO LILLIAN



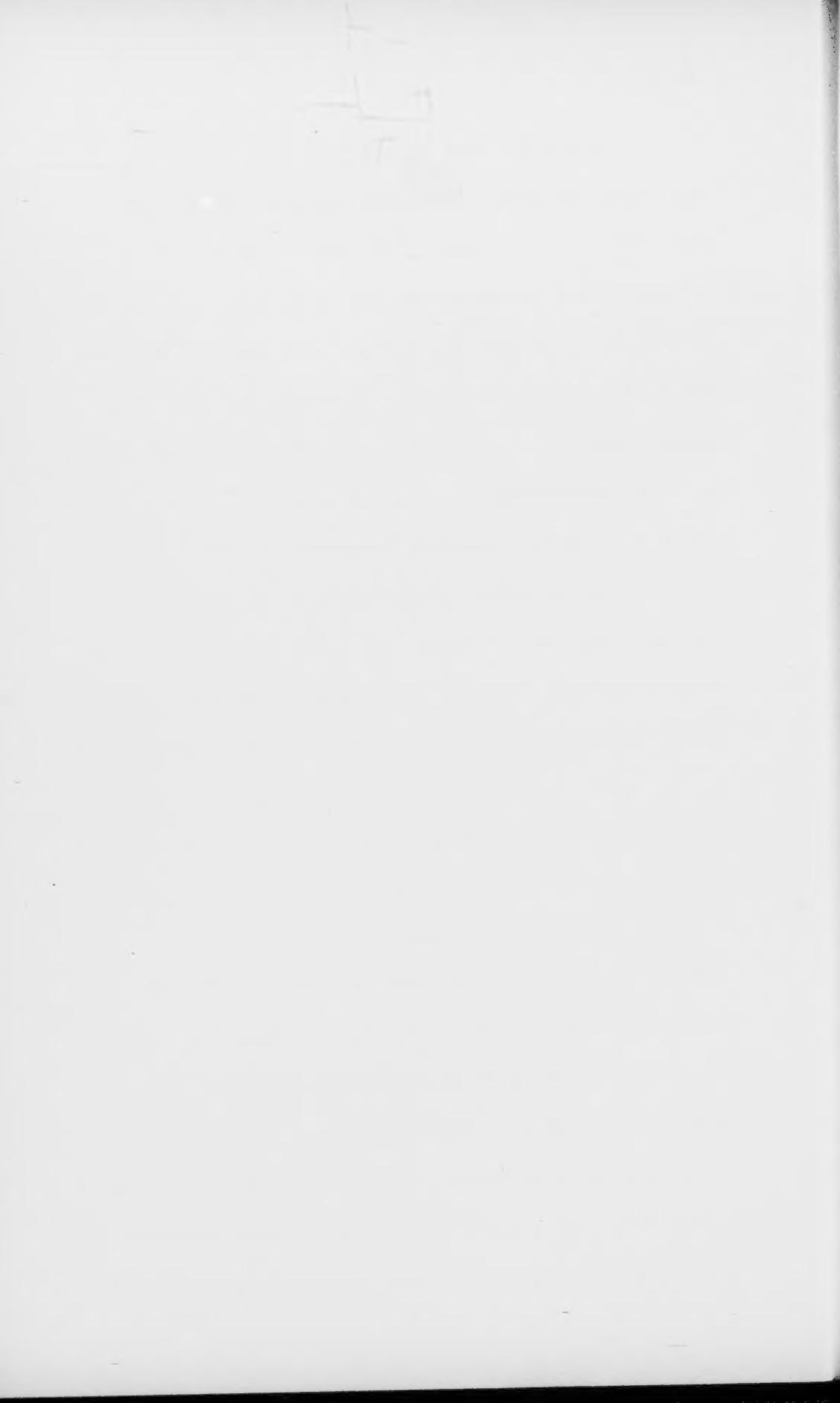
R. MUSE , TRUSTEE AND 100 % OWNER OF MUTUAL FINANCE CORP. ON JULY 2, 1980 SEE EXIBIT I CHECK FOR \$26,520.00.LABELLED TO PAY OFF WESTMORELAND BALANCE IN FULL. . THAT WAS OVER 3 YEARS BEFORE MRS. MUSE DIED ON AUGUST 12, 1983 . SOVRAN BANK NA BY DONALD E KONCE QUALIFIED AS EXCETOR ON AUGUST , 1983. SOVRAN BANK NA BY KONCE ILLEGALLY SOLD MR. HOLDING,S HOME AND 45 ACRES IN WESTMORELAND COUNTY ON JUNE 11, 1986 WITHOUT NOTICE OR DEMAND FOR PAYMENT AND KNOWING THE DEED OF TRUST HAD BEEN PAID IN FULL ON JULY 2, 1980. MR. HOLDING BROUGHT THIS SUIT FOR DAMAGES TO COMPENSATE HIM FOR THE DAMAGES ANDIREPARABLE INJURIES INFILCTED BY THE RESPONDANTS WHO HAVE NO REMORSE FOR THEIR BRAZEN ACTS . ALL OTHER RESPONDANTS PARTICIPATED IN THE ACTS. JUDGE FOSTER RUBBER STAMPED AN ORDER SUBMITTED BY COUNSEL FOR RESPONDANTS DISMISSED THE PETITIONERS ACTION FOR DAMAGES WHICH VIOLATED THE DUE PROCESS CONSTITUTIONAL RIGHTS GUARANTEED BY THE U.S. CONSTITUTION , 14th 5th, 7th, 6th AMENDMENTS THERETO . PETITIONER APPEALED , VA S.C. DISMISSED, REHARING DENIED



REASONS FOR GRANTING THE PETITION  
THE PETITIONERS PROPERTY HAS BEEN STOLEN  
AND ILLEGALLY SOLD. THE PETITIONER,S CON  
STITUTIONAL RIGHTS OF DUE PROCESS , RIGHT  
OF TRIAL , RIGHT OF JURY HAVE BEEN VIOLATED  
THUS VIOLATING THE DUE PROCESS OF THE U.S  
CONSTITUTION , 14th AMENDMENT , 5th AMENDMEN  
T, 6th AMENDMENT , 7th AMENDMENT. THE PETITI  
ONER HAS BEEN DAMAGED GREATLY , BEEN INFILCT  
ED WITH PERMANENT IRREPARABLE INJURIES, AND  
CAUSED THE PETITIONER TO HAVE HEART ATTACKS  
CULMINATING INTO 2 SEPARATE OPEN HEART BY  
PASS SURGERIES86 RENDERING HIM TOTALY DISABL  
E. TO ALSO ATTAIN THE ENDS OF JUSTICE.TRUTH  
AND JUSTICE ARE ESSENTIAL AND REQUIRE OF CIV  
ILIZATION WITHOUT IT WE DESTROY OURSELVES .

#### ARGUMENTS AND CONCLUSIONS

SOVRAN BANK NA, COLEMAN MCGEHEE, DONALD E.  
KOONCE, MCGUIRE WOOD BATTLE, THOMAS S WORD,  
JR., , SCOTTS-CAIRNS, BROWDER RUSSELL MORRIS  
BUTCHER, JOHN R. BROWDER, PAUL G. SAUNDERS,  
II , the Respondants BY SELLING MR. HOLDING  
HOUSE AND 45 ACRES IN WESTMORELAND COUNTY  
DELIBERATELY WRONGED HIM CAUSING SIGNIFICAN



TY GREAT DAMAGES AND PERMANENT IRREPARABLE INJURIES, HEART ATTACKS CULMINATING INTO 2 SEPARATE OPEN HEART SURGERIES IN 1986 RENDERING MR. HOLDING COMPLETELY PERMANENTLY DISABLED. THEY HAD AN UTTER DISREGARD FOR THE LAW, LEGAL RIGHTS OF MR. HOLDING AND HIS PROPERTY, OUTRIGHT BRAZEN WITH STEALING HIS PROPERTY AND SELLING IT KNOWING THE DEED OF TRUST HAD BEEN PAID ON FEBRUARY 2, 1980 AS EVIDENCED BY A CHECK MADE PAYABLE TO LILLIAN J. MUSE, TRUSTEE AND 100 % OWNER OF MUTUAL FINANCE CORP WITH NOTATIONS ON THE CHECK FOR WESTMORELAND MORTGAGE BALANCE IN FULL CHECK FOR \$26,520.00EXIBIT I. MRS. MUSE ACTS WERE LEGAL AND BINDING ON JULY 2, 1980 WHEN SHE ACCEPTED MR. HOLDING, S CHECK ACTING AS TRUSTEE FOR FULL PAYMENT OF TH OUTSTANDING BALANCE ON THE WESTMORELAND MORTGAGE DEED OF TRUST AND RECORDED ON THE BOOKS OF MUTUAL FINANCE CORP AS PAID IN FULL . THE RESPONDANTS TAKING OF MR. HOLDING, S PROPERTY AND SELLING IT VIOLATED HIS CONSTITUTIONAL RIGHTS OF DUE PROCESS UNDER THE CONSTITUTION OF THE U.S. 14th AMENDMENT, DUE PROCESS UNDER 5th AMENDMENT.



JUDGE FOSTER OF THE CIRCUIT COURT OF WEST MORELAND COUNTY VIOLATED THE CONSTITUTIONAL RIGHTS OF MR. HOLDING BY SIGNING AN ORDER DISMISSING THE PETITIONER, S MOTION FOR DAMAGES WITHOUT A TRIAL. THE JUDGE VIOLATED THE DUE PROCESS OF THE 14th AMENDMENT TO THE U.S. CONSTITUTION, DUE PROCESS OF THE 5th AMENDMENT, TRIAL BY JURY AND OBTAINING WITNESSES 6th AMENDMENT, AMOUNT OVER \$ 20,00 ENTITLED TO TRIAL BY JURY THE 7th AMENDMENT. MR. HOLDING WAS DENIED A TRIAL , DENIED TRIAL BY JURY AND OBTAINING WITNESSES IN HIS BEHALF, DUE PROCESS OF THE U.S. CONSTITUTION THUS JUDGE FOSTER, S DECISION MUST BE SET ASIDE WITH A NEW TRIAL AND JUDGMENT FOR THE PETITIONER.

IN CONCLUSION MR. HOLDING, S PROPERTY WAS TAKING ILLEGALLY AND SOLD ILLEGALLY BY THE RESPONDANTS KNOWING THE DEED OF TRUST HAD BEEN PAID IN FULL ON JULY 2, 1980 AND WITHOUT NOTICE CAUSING UNTOLD DAMAGES AND IRREPARABLE PERMANENT INJURIES CAUSING HIM TO HAVE HEART ATTACKS IN 1986 CULMINATING INTO 2 OPEN HEART BYPASS SURGERIES RENDERING HIM TOTALLY DISABLE.



AND LOSS OF HIS HOME WITH 45 ACRES IN WESTMO  
RELAND COUNTY .

WHEREFORE , YOUR PETITIONERASK THIS HONORABLE  
BODY OF JUSTICES TO GRANT THE PETITION , REV  
ERSE THE LOWER COURT DECISION AND HOLD FOR  
THE PETITIONER, S MOTION FOR DAMAGES AGAINST  
THE RESPONDANTS.

RESPECTFULLY SUBMITTED,  
*Clarence H. Holding*  
CLARENCE H. HOLDING

COUNSEL FOR THE PETITIONER .

CERTIFICATE

I CERTIFY I SENT POSTAGE PAID 3 COPIES OF  
THE PETITION FOR WRIT OF CERTIORARI AND  
MOTION FOR DAMAGES TO COUNSEL FOR THE RES  
PONDANTS, MARY M.H. PRIDDY , ONE JAMES  
CENTER, 901 E. CARY ST. , RICHMOND , VA.

23219. ON JUNE 3, 1987 .

*Clarence H. Holding*  
CLARENCE H. HOLDING

COUNSEL FOR PETITIONER.







V I R G I N I A

?

CIRCUIT COURT OF WESTMORELAND COUNTY

CLARENCE H. HOLDING , PLANTIFF,

v. LAW NO 751

SOVRAN BANK NA , ET AL . , DEFENDANTS.

ORDER

THIS DAY CAME DEFENDANTS, SOVRANK NA. ETAL BY COUNSEL, FILED A DEMURRER , PLEA OF RES JUDICATA, MOTION FOR SUMMARY JUDGMENT TO TH E MOTION FOR DAMAGES FILED BY PLANTIFF, CLA RENCE H. HOLDING.UON CONSIDERATION OF MOT ION FOR DAMAGES , DEMURRER, PLEA OF RES JUDI TA AND MOTION FOR SUMMARY JUDGMENT , THE CO URT IS OF OPINION THE MOTION FOR DAMAGES BE DISMISSED FOR REASONS STATED IN PLEADINGS. IT IS , THEREFORE , ADJUDGED AND ORDERED MOT ION FOR DAMAGES OF PLANTIFF, BE DENIED AND DISMISSED, PLANTIFF,S EXCEPTIONS ARE NOTED.

ENTER: 9/3/86 DIXON L. FOSTER, J.



VIRGINIA

IN THE CIRCUIT COURT OF WESTMORELAND CTY

CLARENCE H. HOLDING , PLANTIFF

v. LAW NO 751

SOVRAN BANK NA ET ALS , DEFENDANTS

OBJECTIONS TO ANSWERS ON MOTION FOR  
DAMAGES MOTION FOR JUDGMENT

COMES NOW YOUR PLANTIFF , CLARENCE H. HOLDING BY COUNSEL AND STATES FORTH HIS OBJECTIONS TO ANSWERS OFD DEFENDANTS ON GROUNDS NO ANSWERS WERE GIVEN NOR ADMITTING OR DENYING WITH REASONS THE ORIGINAL MOTION FOR DAMAGES. THE PLEADINGS OF THE DEFENDANTS ARE FALSE , ERRONEOUS INCOMPLETE . THE PLANTIFF THEREFORE ASK FOR JUDGMENT FOR DAMAGES FOR THE AMOUNT OF THE ORIGINAL MOTION FOR DAMAGES.

RESPEGTEBLY SUBMITTED,

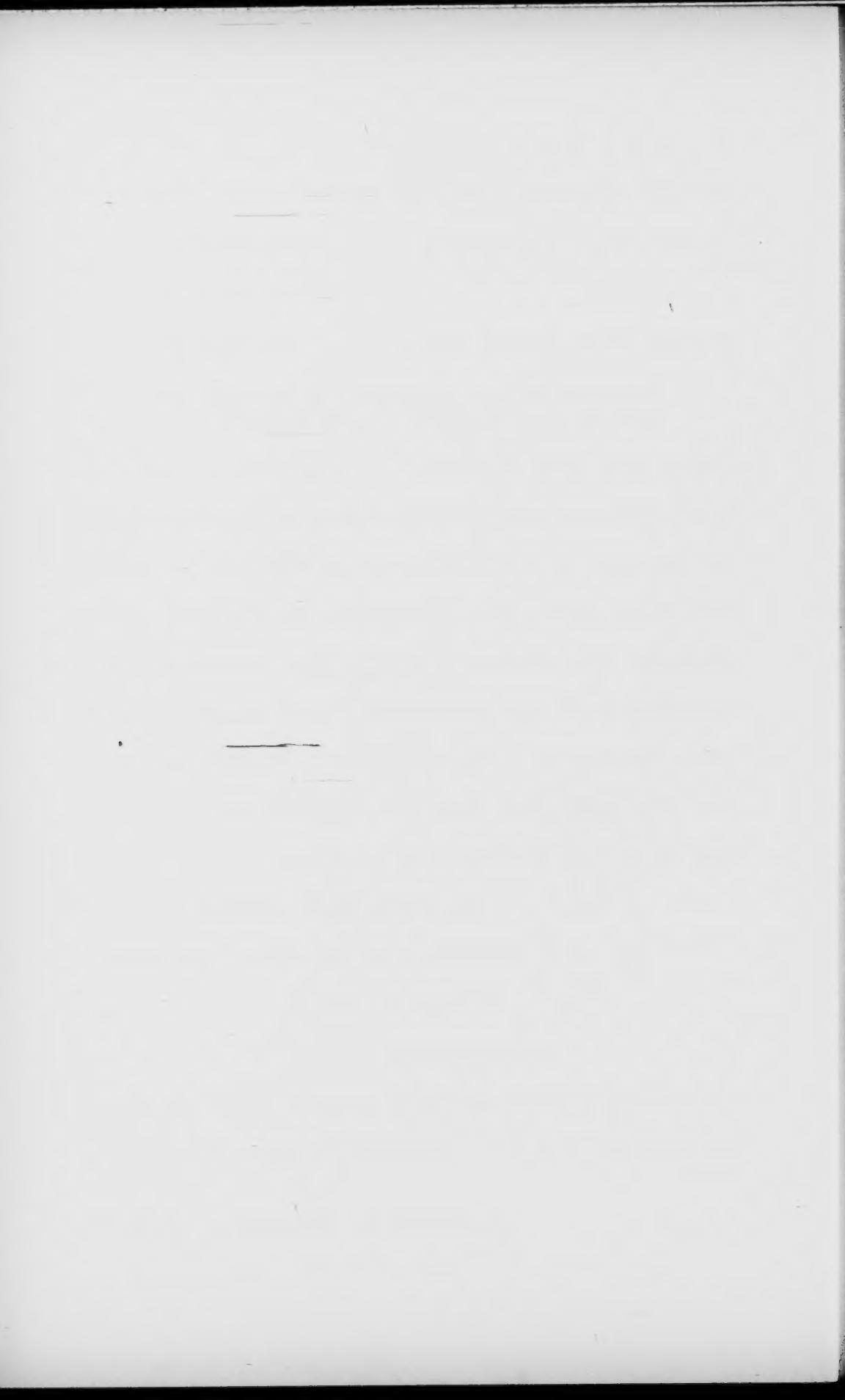
CLARENCE H. HOLDING, COUNSEL

FOR PLANTIFF.

CERTIFICATE

I CERTIFY I SENT POSTAGE PAID A COPY OF ABOVE  
TO COUNSEL FOR THE DEFENDNNTS MARY PRIDDY 9/24  
1986

CLARENCE H. HOLDING , COUNSEL



V I R G I N I A

IN CIRCUIT COURT OF WESTMORELAND COUNTY

CLARENCE H. HOLDING,

PLAINTIFF,

v.

LAW NO 751

SOVRAN BANK NA ET ALS,

DEFENDANTS.

MOTION TO SET ASIDE AND STRIKE ORDER

NOW COMES YOUR PLAINTIFF, CLARENCE H. HOLDING BY COUNSEL AND ASK THIS COURT TO SET ASIDE AND STRIKE THE ORDER DATED SEPTEMBER 3, 1986 ON GROUNDS IT IS FALSE AND ERRONEOUS AND LET IT BE DONE IMMEDIATELY.

RESPECTFULLY SUBMITTED

CLARENCE H. HOLDING

COUNSEL FOR THE PLAINTIFF.

CERTIFICATE

I CERTIFY I SENT A COPY OF MOTION TO COUNSEL OF DEFENDANTS ON 9/24/1986.

CLARENCE H. HOLDING, COUNSEL

Eh



VIRGINIA

IN THE CIRCUIT COURT OF WESTMORELAND

CLARENCE H. HOLDING,

PLAINTIFF,

v

LAW NO. 751

SOVRAN BANK NA ET ALS

DEFENDANTS

NOTICE OF APPEAL

COMES NOW YOUR PLAINTIFF , CLARENCE H. HOLDING  
BY COUNSEL AND DOOTH FIRMLY GIVE NOTICE OF APP  
EAL FROM ORDER OF JUDGE DIXON L. FOSTER DATED  
SEPTEMBER 3, 1986. A STATEMENT WILL FOLLOW.

I HEREBY REQUEST THE CLERK FORWARD THE RECORDS  
TO THE SUPREME COURT OF VIRGINIA .

CLARENCE H. HOLDING

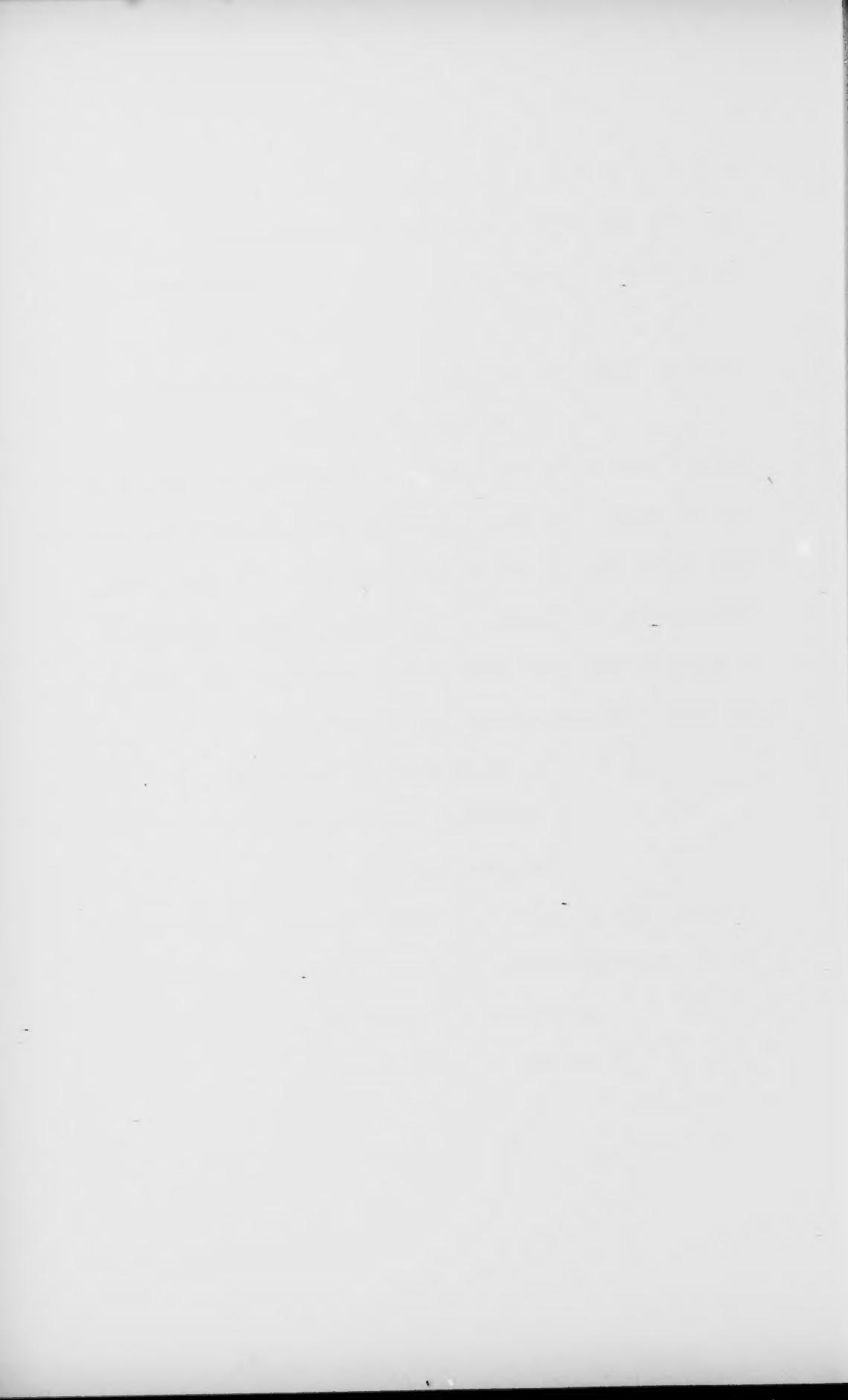
COUNSEL FOR PLAINTIFF

CERTIFICATE -

I CERTIFY A COPY WAS SENT POSTAGE PAID TO COU  
NSEL FOR DEFENDANTS, MARY PRIDDY ON 9/24, 86.

CLARENCE H. HOLDING ,

COUNSEL FOR PLAINTIFF .



V I R G I N I A

IN THE SUPREME COURT HELD ON TUESDAY FEB  
RUARY 3rd 1987 in Richmond

CLARENCE H. HOLDING APPELLANT,

V RECORD NO. 861131 CIRCUIT CT751

SOVRAN BANK , NA, ET AL APPELLEES .

FROM THE CIRCUIT COURT OF WESTMORELAND CTY.

ON DECEMBER 1 , 1986 CAME APPELLANT , IN PRO  
PER PERSON AND FILLED A PETITION FOR APPEAL  
IN ABOVE STYLED CASE. THEREUPON CAME APPELL  
EES, BY COUNSEL , AND FILED A MOTION TO DIS  
MISS THE PETITION FOR APPEAL AND A BRIEF IN  
OPPOSITION .

ON CONSIDERATION WHEREOF , MOTION TO DISMISS  
IS GRANTED AND PETITION IS REFUSED .

JUSTICE STEPHENSON DID NOT PARTICIPATE IN THE  
CONSIDERATION OF THHIS CASE .

A COPY, TESTE:

DAVID B. BEACH, CLK

BY P. A. BE. DEP CLK

E6



V I R G I N I A

IN THE SUPREME COURT , RICHMOND ON FRIDAY 6th  
MARCH, 1987.

CLARENCE H. HOLDING APPELLANT,

V. RECORD 861131 CIR CT 751  
SOVRAN BANK NA , ET AL APPELLEES.

UPON PETITION FOR REHEARING  
ON CONSIDERATION OF PETITION OF APPELLANT TO  
SET ASIDE THE JUDGMENT RENDERED HEREIN ON 3rd  
FEBRUARY, 1987 AND GRANT A REHEARING , THE PR  
AYER IS DENIED .

CHIEF JUSTICE CARRICO AND JUSTICE STEPHENSON  
TOOK NO PART IN THE CONSIDERATION OR DECISION  
OF THIS CASE .

A COPY, TESTE: :

DAVID B BEACH , CLERK



VIRGINIA

IN THE SUPREME COURT

CLARENCE H. HOLDING

APPELLANT,

v.

SOVRAN BANK NA ET ALS

DEFENDANTS.

NOTICE OF APPEAL

COMES NOW YOUR APPELLANT , CLARENCE H. HOLDING BY COUNSEL GIVES NOTICE OF APPEAL TO THE SUPREME COURT OF UNITED STATES OF AMERICA. I HEREBY REQUEST THE CLERK TO FORWARD THE RECORD TO WASHINGTON , D.C. SUPREME COURT OF THE UNITED STATES .

RESPECTFULLY SUBMITTED

CLARENCE H. HOLDING

CERTIFICATE

I CERTIFY I SENT A COPY OF APPEAL POSTAGE PAID TO COUNSEL FOR DEFENDANTS MARY M H PRIDDY ON 3/13/87.

CLARENCE H. HOLDING

COUNSEL FOR APPELLANT